

60130-1987
03MRA0008**REMARKS**

Claims 5-6 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement because the claims contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains to make and/or use the invention. Examiner states that it is not clear how the curved ends can radially retain the pad spring in claim 5. Claim 5 has been amended to recite that the curved ends limit circumferential movement of the pad spring. Support for this amendment is found in paragraph 34. No new matter has been added.

Claims 5-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner states that claim 5 recites "the backing plate," and there is insufficient antecedent basis for this feature. Claim 5 recites "a backplate" and "the backplate," but does not recite any "backing plate." The rejection is improper.

Claims 1-4 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by the admitted prior art of Figures 1-4. The Examiner states that the admitted prior art discloses a pad spring 24 including a spring planar region and a rounded edge 42, and the claimed invention is anticipated. Applicant respectfully disagrees. The admitted prior art does not disclose a pad spring including a spring planar region that has a part that engages a pad retainer and that has a rounded lateral edge region as claimed. In the admitted prior art, the central portion 48 of the pad spring 24 engages the pad retainer 26. However, the central portion 48 of the pad spring 24 does not include a rounded lateral edge region as claimed. As shown in Figure 4 of the admitted prior art, the central portion 48 of the pad spring 24 is substantially flat and does not include any lateral edge region that is rounded. The admitted prior art does not disclose the claimed invention, and Applicant respectfully requests that the rejection be withdrawn.

Claims 1-2, 4 and 7-8 are rejected under 35 U.S.C. 102(b) as being anticipated by EP 0 703 378. The Examiner states that EP 0 703 378 discloses a pad spring 26 including a spring planar region and a rounded edge 24 or 18, and the claimed invention is anticipated. Applicant respectfully disagrees. The admitted prior art does not disclose a pad spring including a spring planar region that has a part that engages a pad retainer and that has a rounded lateral edge region as claimed. In EP 0 703 378, a central portion 26 of a clip 18 engages a bridge 32. However, the central portion 26 of the clip 18 does not include a rounded lateral edge portion as claimed. As

60130-1987
03MRA0008

shown in Figure 3 of EP 0 703 378, the central portion 26 of the clip 18 is substantially flat and does not include a lateral edge region that is rounded as claimed. EP 0 703 378 does not disclose the claimed invention, and Applicant respectfully requests that the rejection be withdrawn.

Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by EP 0 248 385. The Examiner states that EP 0 248 385 discloses a pad spring 76 including a spring planar region and a rounded edge 86, and the claimed invention is anticipated. Applicant respectfully disagrees. EP 0 248 385 does not disclose a pad spring including a spring planar region that has a part that engages a pad retainer and that has a rounded lateral edge portion as claimed. In EP 0 248 385, a portion of a leaf spring 76 engages a retainer 60. However, the portion of the leaf spring 76 that engages the retainer 60 does not include a rounded lateral edge region as claimed. As shown in Figures 5 and 6 of EP 0 248 385, the leaf spring 76 including projecting portions 86 between the retainer 60 and the ends. The projecting portions 86 are not included in the part of the leaf spring 76 that engages the retainer 60. The portion of the leaf spring 76 that engages the retainer 60 does not include a lateral edge region that is rounded as claimed. EP 0 248 385 does not disclose the claimed invention, and Applicant respectfully requests that the rejection be withdrawn.

Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art of Figures 1-4. The Examiner states that it would have been obvious to utilize various crook radii depending on the side of the brake assembly. Applicant respectfully disagrees. The claimed invention is not obvious. Claims 10-12 depend on patentable independent claim 1 and are allowable the reasons stated above. The admitted prior art does not disclose, suggest or teach a pad spring including a spring planar region that has a part that engages a pad retainer and that has a rounded lateral edge region as claimed. Therefore, the admitted prior art does not disclose, suggest or teach the claimed invention. The claimed invention is not obvious, and Applicant respectfully requests that the rejection be withdrawn.

Claims 5-6 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0 703 378. The Examiner admits that EP 0 703 378 does not disclose the combination of a rounded edge and radially outwardly curved ends, and states that the upturned portion 24 of the clip 18 is an outwardly curved end. The Examiner states that it would have been obvious round the edges of sheet metal elements to remove sharp edges. Applicant respectfully disagrees. The claimed invention is not obvious. Claims 5-6 and 13 depend on patentable independent claim 1 and are allowable the reasons stated above. As stated above, EP 0 703 378 does not disclose,

60130-1987
03MRA0008

suggest or teach a pad spring including a spring planar region that has a part that engages a pad retainer and that has a rounded lateral edge region as claimed. Even if EP 0 703 378 was modified to include a pad spring including a rounded edge as the Examiner contents, this still would not teach, suggest or disclose the claimed invention because EP 0 703 378 does not teach a rounded lateral edge region. Nothing in EP 0 703 378 teaches, suggests or discloses a pad spring with a round lateral edge region as claimed. Therefore, the claimed invention is not obvious and Applicant respectfully requests that the rejection be withdrawn.

Thus, claims 1 and 4-18 are in condition for allowance. No additional fees are seen to be required. If any additional fees are due, however, the Commissioner is authorized to charge Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, P.C., for any additional fees or credit the account for any overpayment. Therefore, favorable reconsideration and allowance of this application is respectfully requested.

Respectfully Submitted,

CARLSON, GASKEY & OLDS, P.C.

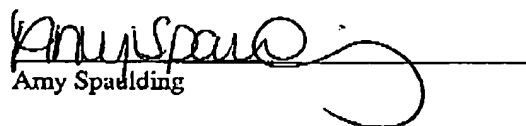


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Amy Spaulding